

**STATE OF MARYLAND  
DEPARTMENT OF AGRICULTURE  
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

\*

ALFRED H. RAYNE, D.V.M.  
LICENSE NO. 4064

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DOCKET NO. 19-49

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POCOMOKE ANIMAL HOSPITAL  
HOSPITAL LICENSE NO. 23-003

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**CIVIL PENALTY FINAL ORDER**

This Civil Penalty Final Order (“Order”), dated this 26th day of March, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners (“Board” or “SBVME”) against Alfred H. Rayne, DVM (“Dr.Rayne”), License No. 4064. This Order confirms the intention of Dr. Rayne to waive the right to contest the charge filed by the Board on or about February 25, 2019 in Docket No. 19-49, alleging that Dr. Rayne, as responsible veterinarian at Pocomoke Animal Hospital (License No. 23-002), violated the Maryland Veterinary Practice Act, Agriculture Article, Sections 2-301 - 2-316, Annotated Code of Maryland, (“Veterinary Practice Act”) and related Code of Maryland Regulations (“COMAR”) 15.14.01 – 15.14.17. By letter received by the Board on March 20, 2019, Dr. Rayne notified the Board that he wishes to voluntarily waive the right to a hearing on the charge in Docket No. 19-49 and enclosed a check for \$600.00 to pay the civil penalty in this matter.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating provisions of the Veterinary Practice Act and related COMAR regulations. As part of its authority, the Board “may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee . . . if the veterinarian or veterinary practitioner . . . [f]ails to comply with Board rules and regulations after receiving a license[.]” Md. Code Ann., Agric. Art., § 2-310(8). In addition, the Board may impose a civil penalty of not more than \$5,000 for a first offense, or \$10,000 for a second

or subsequent offense in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Md. Code Ann., Agric. Art. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and the history of prior violations, as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art., § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Alfred H. Rayne, DVM, License No. 4064 ("Dr. Rayne"), after having the opportunity to seek advice of legal counsel, has submitted payment of the \$600.00 civil penalty assessed by the Board in Docket No. 19-49 and waived his right to a hearing on the charge. Dr. Rayne acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated Agriculture Article Section 2-310(8), Md. Code Ann., and a related regulation; specifically COMAR 15.14.01.12-3C, as follows:

1. At all times relevant to this charge, Dr. Rayne was a veterinarian licensed to practice in Maryland, where he has been licensed since 1992. Dr. Rayne has no formal prior disciplinary history with the Board involving expired medications; however, he has been subject to formal board proceedings in the past. In Docket No. 12-56, Dr. Rayne entered into a consent agreement finding that he violated COMAR 15.14.01.04 pertaining to professional conduct. Dr. Rayne was assessed a civil penalty of \$1,500, placed on one year of probation, and required to complete an online medical records course. He complied with these terms. In Docket No. 13-39, Dr. Rayne was found to have failed to maintain a current hospital license. He was assessed and has paid a \$150 civil penalty. Finally, in Docket No. 16-67, Dr. Rayne entered into a Consent Agreement with the Board finding that he violated COMAR 15.14.01.10 (Record Keeping). Dr. Rayne was assessed a civil penalty of \$900 with \$450 stayed, ordered to complete continuing education, and placed on probation for 6 months. Dr. Rayne complied with all terms and conditions of that Consent Order as well.

2. At the time of the events described in this charge, Dr. Rayne was the owner and responsible veterinarian of a veterinary hospital known as Pocomoke Animal Hospital (“Hospital”), located at 1139 Ocean Highway, Pocomoke, MD 21851. The Hospital is licensed by the Board as License No. 23-003.
3. During a routine inspection of the Hospital on January 9, 2019, Board Investigator , Susan Husk (“Ms. Husk ”) and Board Inspector Pegeen Morgan (“Ms. Morgan”), found at least 32 expired medications kept with unexpired medications in the Hospital’s working stock. Ms. Husk and Ms. Morgan instructed Hospital staff to remove all expired drugs and to check expiration dates once a month. Ms. Morgan issued a COMAR Violation Sheet which was signed by a staff member on behalf of the Hospital.
4. Prior to January 9, 2019, a COMAR Violation Sheet had previously been issued to the Hospital when expired medications mixed with unexpired medications in the Hospital’s working stock during an inspection.
5. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal, and COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian’s lack of prior disciplinary history with the Board involving expired medications, and the veterinarian’s good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 26<sup>th</sup> day of March, 2019, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-310(8), Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.01.12-3C, Dr. Alfred Rayne is assessed a civil penalty in the amount of \$600.00. The Board acknowledges receiving full payment of the civil penalty from Dr. Rayne on March 20, 2019.

STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to read 'D. Handel', written over the text 'MEDICAL EXAMINERS'.

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David L. Handel, DVM  
President